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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,379	01/30/2004	Paul E. Thomas	15838-292003	7898
7590	11/03/2005	EXAMINER		
Tredegar Film Products Corporation		WATKINS III, WILLIAM P		
1100 Boulders Parkway		ART UNIT		
Richmond, VA 23225		PAPER NUMBER		

1772

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/769,379

Applicant(s)

THOMAS, PAUL E.

Examiner

William P. Watkins III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. The obviousness type double patenting rejections given in sections 2 and 3 of the detailed portion of the office action mailed 18 May 2005 are withdrawn in view of the terminal disclaimers filed 18 August 2005, which have been accepted and recorded.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 6-8, 12-14, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuji et al. (U.S. 6,090,089) in view of Murakami et al. (U.S. 5,268,213) and Sorensen (U.S. 4,327,730).

Tsuji et al. teach the elevation of lands in the transverse direction of the sheet, which form liquid passageways, in order to prevent unpleasant contact with the skin (abstract, element

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11, Figures 1-3). Murakami et al. teach the use of passageways formed by ridges in the longitudinal or machine direction of the top sheet in order to better diffuse bodily fluids (abstract, Figure 5, col. 1, line 65 through col. 2, line 5). Sorensen teaches the use of elevations that are at least from about 4 to 90 microns in height (col. 4, lines 45-55) to provide a pleasant feel against the skin (col. 4, lines 25-30). The instant invention claims a top sheet with raised lands in the machine or stroking direction that are 15 to 145 microns in height. It would have been obvious to one of ordinary skill in the art to have placed the ridges of Tsuji et al. in the machine direction to better control fluid flow because of the teachings of Murakami et al. and to have made them with a height of 4 to 90 microns in order to have a pleasant fabric feel against the skin because of the teachings of Sorensen. The combination of the references has a structure that is the same or similar to that taught in the instant specification as giving a Silky Tactile Impression Rating of about 5 or less (page 10, lines 5-15). It is thus taken as meeting the Silky Tactile Impression Rating limitation of the instant claims.

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4. Claims 3-5, 9-11, 15-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuji et al. (U.S. 6,090,089) in view of Murakami et al. (U.S. 5,268,213) and Sorensen (U.S. 4,327,730) as applied to claims 1-2, 6-8, 12-14, 18-19 above, and further in view of Faelten (U.S. 2,304,632).

Faelten teaches the use of ridges or waves raised in a surface to provide an attractive finish and good skin contact (col. 2, lines 35-45). The instant invention claims ridges on a top sheet with raised machine direction lands. It would have been obvious to one of ordinary skill in the art to have placed small ridges on the top sheet of Tsuji et al. as modified above in order to enhance the appearance and skin contact because of the teachings of Faelten. The combination of the references has a structure that is the same or similar to that taught in the instant specification as giving a Silky Tactile Impression Rating of about 5 or less (page 10, lines 20-30). It is thus taken as meeting the Silky Tactile Impression Rating limitation of the instant claims.

5. Applicant's arguments filed 18 August 2005 have been fully considered but they are not persuasive.

Applicant argues that Murakami et al. does not teach a stroking direction or a transverse direction for lands and that the combination of Murakami et al. with Tsuji et al. would result in the destruction of the reference. The examiner disagrees. The instant specification defines stroking direction at page 8, lines 26 through 30 as the direction along the length of an end product. Murakami et al. teach that the highest raised lands extend in the long direction of the top sheet in Figure 5 in order to form grooves that conduct fluid to all parts of the top sheet for transport to the absorbent layer below (col. 3, lines 20-30).

Regarding destruction of Tsuji et al., the preferred embodiment of the reference has transverse ribs that would be altered in the function of preventing longitudinal creases as taught at col. 3, lines 49-64 of the reference. However the improved performance of using ribs in the formed film of the reference is not limited to only ribs in the transverse direction. The first claim of the patent is not limited to transverse ribs and the general advantage of the ribs preventing contact of most of the top sheet with the skin of the user and providing air passages to allow ventilation and prevent itching (col. 4, lines 55-65) would apply even if the ribs are in the

longitudinal direction. One of ordinary skill in the art would still have most of the advantages of limited skin contact taught by Tsuji et al. as well as the advantage of better liquid distribution to the absorbent layer taught by Murakami et al. as a result of the combination. Therefore the function of the references is not destroyed by the combination.

Sorensen is relied upon only for the height of surface features. The combination does not require the bodily incorporation of the structure of Sorensen into Tsuji et al. as argued by applicant. Regarding Faelten applicant argues that it does not teach ribs and that incorporation of the surface texture of Faelten would destroy the function of the combination. The position of the examiner is that incorporation of the surface texture of Faelten on the rib surfaces of the combination that contact the wearer would not result in the destruction of the drainage or ventilation functions of the combination.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this

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action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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WW/ww

October 31, 2005

A handwritten signature in black ink, appearing to read "William P. Watkins III". The signature is stylized with a large, sweeping initial "W" and a final flourish.

**WILLIAM P. WATKINS III  
PRIMARY EXAMINER**